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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,378

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Jean-Pierre Buffard

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07/01/2011

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EXAMINER

BRADEN, SHAWN M

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

07/01/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,378	BUFFARD ET AL.	
	Examiner	Art Unit	
	SHAWN M. BRADEN	3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/26/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 recites the limitation "the surface, these two coats", and "the worked surface". There is insufficient antecedent basis for this limitation in the claim.

4. Claim 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what is actually encompassed by claim language "area of each pattern". Does it include three elements "6 or 6'. Is it the entire working surface? It would be appreciated if applicant could define "the area of each pattern" to the point the examiner could draw a circle around the area.

5. Claim 12 recites the limitation "the area of each pattern". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by McFadden (USPN 3,473,952).

8. With respect to claim 11, McFadden shows a culinary article (cooking utensil disclosed col 1 line 29) formed from a metal support (10) and a non-stick coating (12,14,18) deposited at least on the surface of the metal support (10) constituting the interior of the culinary article, where the non-stick coating includes at least two coats based on fluorocarbonated resin (coats 12 and 14 are based on 18 which is Ptfе or Teflon TM), one (14) of these two coats covering (covering in the same way as applicant's 6 and 6') at least the worked surface of the interior of the article, this being a discontinuous coat formed by patterns, wherein any cross section of the culinary article (fig. 3) , at least at its worked surface , has regular interruptions (between elements 14) in the plane of the discontinuous coat, and in that each pattern, from a top view of the interior of the culinary article (fig. 4), has an area of at least 1 mm square (the at least 1 mm square is clearly met by fig. 4. (14) is disclosed as .025-.150mm, based on that measurement, area is about 1.76mm square).

9. With respect to claim 12, McFadden shows to the extent the claim is understood, wherein the area of each pattern is between 1 and 10 mm (fig. 4).

10. With respect to claim 13, McFadden shows wherein the proportion of the surface covered by all of the patterns is greater than 15%, and preferably between 15 and 40%, of the total worked area of the culinary article (coverage appears to be about 30% by estimate) .

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11. Claims 11-12,15,19,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Seb Sa (WO 00/22395) from IDS.

12. With respect to claim 11, Seb Sa shows a culinary article (1) formed from a metal support and a non-stick coating deposited at least on the surface of the metal support constituting the interior of the culinary article, where the non-stick coating includes at least two coats (3,4) based on fluorocarbonated resin (abstract line 4), one of these two coats covering at least the worked surface of the interior of the article, this being a discontinuous coat (4) formed by patterns, wherein any cross section of the culinary article, at least at its worked surface, has regular interruptions (shown in the figure 1) in the plane of the discontinuous coat, and in that each pattern, from atop view of the interior of the culinary article, has an area of at least 1 mm² (by estimate of fig 2 being a typical 9 inch pan, elements 4 appear to be about 5mm square in area).

13. With respect to claim 12, Seb Sa shows to the extent the claim is understood, wherein the area of each pattern is between 1 and 10 mm (fig. 4).

14. With respect to claim 15, Seb Sa shows wherein the composition of the discontinuous coat formed by the patterns includes at least one fluorocarbonated resin, and also pigments which can be thermochromic (abstract discloses substance which changes color according to temperature) in particular (also applicant's statement of know prior art page 8 of specification says that this material is described in Seb Sa) .

15. With respect to claim 19, Seb Sa shows wherein the patterns of the discontinuous coat are visible through the non-stick coating (fig. 1).

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16. With respect to claim 20, Seb Sa shows a pattern based on fluorocarbonated resin, including at least one chemical substance that changes color in a reversible manner as a function of temperature. (abstract lines 7,8).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seb Sa in view of applicant's disclosed prior art Roberts (USPN5,536,583).

Seb Sa discloses the invention substantially as claimed. However Seb Sa does not disclose claim 16, wherein the pigments include at least one element chosen from soot black, titanium oxide (TiO₂), iron oxide (Fe₂O₃), perylene red, flakes of mica or flakes of silica, said flakes covered by metal oxides, claim 17, wherein the metal oxides are titanium oxide (TiO₂) and/or iron oxide (Fe₂O₃), claim 18, wherein the proportion by weight of the pigments is between 0.5 and 15%, and advantageously between 0.5 and 7.5% of the composition of the discontinuous coat formed by the patterns..

Roberts teaches the make up of claims 16-18 (see applicants disclosure page 6 line 31) in the same field of endeavor for the purpose of bonding fluorinated polymers and polyether resins to metals.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the materials as disclosed by Roberts for the container of Seb Sa in order to have a durable non-stick pan.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over McFadden or Seb Sa in view of Razavi (USPN 7,318,590) with a filing date of June 2003.

McFadden or Seb Sa discloses the invention substantially as claimed. However McFadden or Seb Sa does not disclose claim 14, wherein the discontinuous coat formed by the patterns is applied by screen printing or by pad printing.

Razavi teaches claim 14, wherein the discontinuous coat formed by the patterns is applied by screen printing or by pad printing (abstract)(also PTFE is disclosed in claim 1) in the same field of endeavor for the purpose of manufacturing sealing products.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use pad printing to apply the Ptfе of Seb Sa or McFadden in order to have a quick accurate way to place the PTFE down in a desired pattern.

Also method limitations in apparatus claims are given little patentable weight.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAWN M. BRADEN whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/
Supervisory Patent Examiner, Art
Unit 3781

/Shawn M Braden/
Examiner, Art Unit 3781